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BIA ANCHORAGE AGENCY
BRANCH OF NATIVE SERVICES

CONSTITUTION
of the

NATIVE VILLAGE OF EGEGIK

PREAMBLE

We, theAlaska Natives of EGEGIK, Alaska, citizens of the United States & descendants of the original inhabitants of this land, having common bonds of ancestry, culture, & community identity, in order to implement our inherent right of self-government as an ALASKA NATIVE people & to further our common political, social, & economic progress, do ordain & establish this constition.

ARTICLEWL. NAME

This community shall be called the Native Village of Egegik.

ARTICLE II. TERRITOTIAL JURISDICTION

Option 1: The Territorial jurisdiction of the Native Aleut Village of Egegik shall extend to all such Aleut Lands of the village as may exist under federal law.

option 2: The territorial jurisdiction of the Native Village of Egegik shall extend :

(a) to all lands within the ("Egegik Village townsite");

(b) to all lands acquired by the Native Village of Egegik, including any federal lands held in trust for the village or its inhabitants:

(c) to all lands acquired by the Becharof Corporation under the Alaska Native Claims Settlement Act:

(d) to all other lands, regardless of ownership within the exterior boundaries formed by the lands specified in the previous sub-parts of this Article: &

(e) any other Aleut Lands of the Native Village of Egegik as may exist under federal law.

Option 3: The territorial jurishdiction of the Native Vil-
-lage of Egegik shall extend to all lands within Egegik Townsite.

ARTICLE III. MEMBERSHIP

Section 1. ~~Base membership~~---All persons listed on the Base Roll of the Native Village of Egegik shall be certified by the Village Council within one year of the Adoption of this Constition & is to include only those living personsof Alaska Native descent who:

(a) are domiciled in the Village at the time the Base Roll is certified: or

(b) were born or raised in the village : or

(c),are so substantially affiliated with the village through extended periods of residency, families or family ties, or other factors as to be considered members of the Village by common community knowledge, as determined by the Village Council : or

(d) are shareholders of Becharof Corporation & have other substan-tial ties to the Village , as determined by 5the Village Council.

Section2. New members.

(a) Children: All children born to members residing in the Vil-
-lage & all children Biologically of Alaska Native descent who are adopted by members residing in the Village shall be admitted to membership upon application.

(b) New residents: Any person of Alaska Native descent who lives in the Village for at least one year & INTENDS TO REMAIN IN THE Village may be admitted to membership upon application.

(c) Adopted members: Any person of Alaska Native descentnot otherwise eligible for membership but with familial or other significant ties to thevillage may be admitted to membership at the dis-

Section 3. Dual membership prohibited.

No person may be a member of the Alaska Native Village of Egegik who is also an enrolled member of another federally recognized Alaska Native or Indian tribe.

Section 4. Loss of Membership: Membership may be voluntarily relinquished by written notice from a member to the council.

The council may revoke membership invoulintarily for just cause upon due process of village law.

Section 5: Honorary members: Persons not eligible for membership may be designated honorary members by the villaGE COUNCIL.

Honorary members may not hold elective office, do not have the right to vote, & do not become elgible for tribal benefits by reason of their honorary membership.

Section 6. Regulation of membership: The Village Council shall establish an enrollment committee to develop the Base Roll & process applications & may establish rules & procedures governing enrollment, including application & appeals procedures.

ARTICLE IV. VILLAGE COUNCIL

Section 1. Name; The governing body of the Native Village of Egegik shall be Egegik Village Council, here in after referred to as the council.

Section 2.Composition. The council shall consist of seven resident members of the village who shall be elected by a majority vote of the eligible voters at the annual membership meeting. Council members shall take office immediately upon election.

Section 3. Officers; The Council shall include a PRESIDENT, & a Vice- president, a secretary, & a treasurer. The secretary & TREASURER MAY BE THE SAME PERSON. Officers shall be selected by the council from its members immediately following the annual meeting.

Section4. Term of Office: Council members shall serve for a term of three years, with staggered terms.

Section 5.Vacancies: Any office which is vacated shall be filled by appointment by the remaining council members at their next meeting. The replacement shall serve until the next annual membership meeting.

ARTICLE V. ELECTIONS

Section 1. Voter Qualifications: Any member of the Native Village of Egegik who has reached the age of 18 or older & who has resided in the village for at least 1 year shall be eligible to vote in all community elections & meetings.

Section 2. Elections: The regular election of officials & question s requiring voter approval shall be held at the annual membership meeting.Special elections may be called at other times by the council, with or without a meeting of the membership, provided that no election shall be called during Fishing Season or at times when substantial numbers of village residents are outside the village.

Section 3. Notice : The Council shall publicize all village elections in a manner reasonably designed to give all village residents notice at least 15 days before the election.

Section 4. Secret Balloting : All elections of officials & on issues before the voters by initiative or referendum shall be by secret ballot. Other votes taken at membership meetings shall be by secret ballot if requested by an eligible voter.

Section 5. Election Committee: Prior to any village election the council shall appoint responsible persons to supervise, administer & conduct the election. The council may by ordinance establish a permanent election committee & procedures for conducting village elections.

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ARTICLE VI. Removal From Office

Section 1. Misconduct or neglect : Any council member or other official found guilty by the council of behavior involving gross misconduct in office or neglect of duty may be removed from office by a vote of at least 4 members of the council. Voting must be by secret ballot & the accused, if a council member, is entitled to vote . Before any vote for removal is taken, the accused must be given a reasonable opportunity to answer the charges against him.

Section 2. Recall : Eligible voters shall have the power to remove any member of the council by recall. The process shall be initiated by giving a petition asking for such removal to the council. The petition must be signed by at least 20% of the eligible voters & must set forth the reasons for the petition. The council must hold a community election to consider the recall within thirty days of receipt of the petition.

Section 3. Forfeiture : Any council member who moves from the village ~~is convicted of a felony by state or federal court, or ceases to be~~

ARTICLE VII. POWERS

Section 1. Assertion of Power: The Native Village of Egegik shall have all rights & power of a sovereign, self-governing people except to the extent limited by federal law.

Section 2. Powers of Council : Except as otherwise provided by this constitution, all powers of the Native Village of Egegik may be exercised by the village council.

Section 3. Power to Tax Reserved: No taxes or assessments may be levied without a referendum of the eligible voters of the village.

ARTICLE VIII. POPULAR PARTICIPATION IN GOVT.

Section 1. Initiative .The Elegible voters of the village shall have the right to propose legislation or other community action. Upon receipt of a petition signed by at least 20% of the eligible voters, the council shall call an election to be conducted within 30 days of the receipt of the petdtion. The election shall be by secret ballot. At least 30% of the eligible voters must vote for the election to be binding.

Section 2. Referendum: The village council may call an election for the purpose of deciding any issue or question which is within the authority of the village council. At least 30% of the eligible voters must vote for the election to be binding.

Section 3. Voter Decision Binding: The decision of the majority of voters in both initiatives & referendum elections shall be binding on the council & the village & elections shall be binding on the council & the village & elections shall remain in full force until amended or rescinded by the voters or expires by its own terms.

ARTICLE IX. RIGHTS OF MEMBERS

Section 1. Rights & Privileges.: All members of the village shall enjoy without hindrance their rights as citizens of the United States.

Section 2. Aleut Ak Native Civil Right Act : In exercising its power of self-government the village shall comply with the provisions of the Indian Civil Rights Act, 25 USC 1301, etc. seq., & not infringe the individual liberties guaranteed there in.

Section 3. Right to Inspect Records: Members of the village shall have the right to review all records of the village government, including financial records, at any reasonable time in accordance with procedures established by the council.

ARTICLE X. DUTIES OF OFFICE

Section 1. President: The president shall preside at all meetings of the community & of the council & shall execute on behalf of the village all contracts, leases, or other formal documents approved by the council. He shall vote in matters before the council. He shall have the general supervision of all other officers, employees & committees of the village & see that their duties are properly performed. When the council is not in session, he shall be the official representative of the community.

Section 2. Vice President: The Vice-President shall assist the President when called upon to do so. In abscence of the President he shall preside & when so presiding shall have all the rights, duties, priviledges & Responsibilities of the president.

Section 3. Secretary: The Secretary shall keep the minutes of all meetings & shall attest to the enactment of all resolutions & ordinances. He shall maintain in permanent form all minutes, resolutions,

He shall issue notices of all meetings & elections & conduct all general correspondence as directed by the council.

Section 4. Treasurer: The treasurer shall carry out the financial directives of the council, receive & safeguard all monies of the council & keep an accurate account of receipts & disbursements. He shall report to the council all receipts & expenditures & the amou nt & nature of all council funds. Funds shall be deposited in a bank approved by the council where depositors' funds are insured by the Federal Deposit Insurance Corporation. All disbursements shall be made by check in accordance with resolutions of the council.

ARTICLE XI. MEETINGS

Section 1. Regular & Special Meetings: Regular meetings of the Council shall be held monthly, the time , place & date to be designated by the council. Special meetings of the council may be called by the President & shall be called by him upon request of at least 2 members of the council & when so called, the council shall have power to transact business as in regular meetings.

Section 2. Quorum : A quorum of the council shall consist of 4 members of the council. No business shall be transacted unless a quorum is present.

Section 3. Conflict of Interest: No council member may vote on any matter pertaining specifically to him or to an immediate family member or on any matter in which he or an immediate family member has a significant financial interest. Nothing herein, bars a council member from voting on a matter in which the benefit to him is common to that of village members at large, or bars a council member or a member of his family from employment by the village. Immediate family members are defined as father, mother, brother, sister, wife, husband, son, daughter, or anyone in the council member's household.

Section 4. Open Meetings: All meetings of the council shall be open

to the public; provided, that the COUNCIL may recess at its discretion to discuss any matter in a closed or executive session, if the general subject matter to be discussed is expressed in the motion calling for such session & NO final or official action is taken thereon in the closed or executive session.

Section 5. Decisions: Final decisions of the council on matters of permanent interest, such as the passage of villagelaws& regulations. Shall be by ordinance. Final decisions of the council on matters of temporary interest may be by resolution.

Section 6. Parliamentary Procedure : All meetings shall be conducted in accordance with Roberts Rules of Order or other rules adopted by the council.

Section7. Village Meetings: Regular meetings of the general membership of the Native Village of Egegik shall be held at least once anually, the date, time, & place to be established by the council. Special meetings of the general membership may be called by the president & shall be called by him upon either a majority vote of the council or upon receipt of a petition signed by at least 20% of theeligible voters.

Section 8. Notice: All meetings of the membership must be publicized by the council at least 15 days in advance.

No membershipmeeting may be called during fishing season or at other times when substantial numbers of village residents are outside the village.

Section 9. Quorum of membership: A quorum of the general membership at special meetings shall consist of 30% of the eligible voters,& no business shallbe conducted unless a quorum is present. There shall be no minimum quorum for regularly scheduled annual meetings.

ARTICLE XIII: TRIBAL COURTS

Option One: The judicial power of the Native Village of Egegik is invested in the village council. The council may delegate its judicial power in particular cases & may by ordinance establish a permanent tribal court, or courts, of limited or general jurisdiction.

Option two: Section 1. Independent Judiciary Established. There shall be an judiciary independent of council control consisting at a minimum of a trial court of general civil jurisdiction & an appellate court with jurisdiction over appeals involving questions of federal law or the village constitution. The council may establish the court system by ordinance, provided that the independence of thejudiciary is preserved.

Section 2. Interim Courts: The following courts shall exist until such time as the council establishes a court system by ordinance:

(a) A trial court of general civil jurisdiction consisting of three judges elected by the eligible voters at the first membership meeting under this constitution. The trial court judges shall serve until the next annual membership meeting or until replaced by a court established by council ordinance. Trial court judges shall continue to be elected for 1 year terms at subsequent annual membership meetings until this provision is superseded by council ordinance.

(b) A court of appeals with jurisdiction limited to appeals from the trial court raising questions of federal law or the village constitution. Court of appeals judges shall be appointed for particular cases as follows: One by the tribal court, one by the village council, & a third appointed by the first two judges.

Section 3. Interim Courts-Qualification of Judges: Trial court judges must be village members, at least 25 years of age, & residents of the village for at least 2 years.

They may not be members of the village council. Court of appeals judges may be chosen on the basis os special expertise & need not be members of the village. No trial court judge may be appointed to the court of appeals for any case in which he participated in the trial court decision.

Section 4. Interim Courts - Procedures:

(a) Trial Court: Immediately following election, the trial court judges shall select from their number a chief judge, who shall be responsible for developing procedures for the trial court.

(b) Appeals: Appeals from trial court decisions will be initiated by filling the appeal with the chief judge & the president of the villagecouncil. Court of appeals judges shall be appointed if the appeal raises claims based upon federal law or the village constitution. Upon appointment, the court of appeals shall first determine if the appeal is within its jurisdiction, & if so shall then develop procedures in consultation with the parties for consideration of the appeal.

Section 5. Judicial Supremacy: Decisions of the trial court or, where applicable, the appellate court are final, subject only to such federal court jurisdiction as may exist.

ARTICLE XIII. SEVERABILITY

If any provision of this constitution should be declared invalid by a federal or tribal court of competent jurisdiction, the invalid provision shall be severed & the remaining provisions shall continue in effect.

ARTICLE XIV. SAVINGS CLAUSE

Section 1. Existing Law Remains in Effect: To the extent consistent with this constitution, all previous ordinances & resolutions adopted by the traditional council of Egegik & all customary village law shall remain in effect following the adoption the adoption of this constitution.

Section 2. Revisions : In the event of future constitutional revisions, all previous ordinances, resolutions & customary village laws shall remain in effect to the extent that they are consistent with the new constitution or amendments.

ARTICLE XV. AMENDMENTS

This constitution may be amended by a majority vote of the qualified voters in an election called for that purpose, provided that at least 30% of those eligible vote. The election may take place at the annual membership meeting.

ARTICLE XVI. ADOPTION

Section 1. Effective Date: This constitution shall be effective immediately when adopted by a majority vote of the eligible voters as defined in this constitution, at an election or meeting called for that purpose in which at least 30% of those eligible vote.

Section 2. Transition:

(a). Traditional council members elected prior to the adoption of this constitution shall remain in office until the first election under this constitution.

(b). Staggered terms of office for village officials required by this constitution will be established in the first elrction of officials under this constitution.

DATE OF ADOPTION: October 11th 1988

VOTING FOR: 4 VOTING AGAINST 0

SIGNED:

SIGNITURES:

SIGNED:

Richard E. DEIGHPresident: Richard E Deigh

Jose Capo Vice- President: Jose Capo

Curtis N. Abalama Secretary: _____

Stephen J. Furman Treasurer: Stephen J Furman

Marvin Williams Boardmember: _____

Terri Albright Board member: Terri Albright

Max D. Zharoff Board member: _____